



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

518-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

J T DILGER JR MD
6718 MONTAY BAY DRIVE
SPRING TX 77389

Respondent Name

NETHERLANDS INSURANCE CO

Carrier's Austin Representative Box

Box Number 01

MFDR Tracking Number

M4-11-2147-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Designated Doctor Exam filed 3/29/10"

Requestor's Additional Position Summary dated September 8, 2011: "\$350.04 PAID 5/4/11...INTEREST OWED 3/22/10 – 5/4/11, WHICH IS 408 DAYS ON \$350.00"

Amount in Dispute: \$350.00 + interest for 330 days

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Please let me know if you require any additional information to process this dispute. Also, I will maintain an open file on this matter until I get some response from your office as to its disposition."

Response Submitted by: Flahive, Ogden & Latson, P. O. Drawer 13367, Austin, TX 78711

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
March 22, 2010	99456-WP-NM	\$350.00 + interest for 330 days	\$12.48

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §134.130 sets out the procedures for Interest for Late Payment on Medical Bills and Refunds.
2. 28 Texas Administrative Code §133.240 sets out procedures for medical payment and denials.
3. Texas Labor Code §413.019 sets out procedures for Interest Earned for Delayed Payment, Refund, or Overpayment regarding medical services and fees.
4. Texas Labor Code §401.023 sets out procedures for computation of Interest or Discount Rate.
5. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
6. 28 Texas Administrative Code §134.204 sets out the fee guidelines for the reimbursement of workers' compensation specific codes, services and programs provided on or after March 1, 2008.
7. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated April 4, 2011

- 863-001 – PAYMENT OF INTEREST, UMD RECOMMENDS \$0.04
- 903 – ADDITIONAL PAYMENT MADE ON APPEAL/RECONSIDERATION. UMD RECOMMENDS
- W3 – Additional payment made on appeal/reconsideration.
- W7 – Payment of Interest/penalty to provider. \$0.04

Issues

1. What is the Maximum Allowable Reimbursement (MAR) for CPT Code 99456-WP-NM?
2. What is the interest due per 28 Texas Administrative Code §134.130?
3. Is the requestor entitled to additional reimbursement?

Findings

1. The requestor billed the amount of \$350.00 for CPT Code 99456-WP-NM regarding a Designated Doctor Examination for the injured worker not being at Maximum Medical Improvement (MMI) therefore no Impairment Rating was performed. Per 28 Texas Administrative Code §134.204(j)(3)(C), the Maximum Allowable Reimbursement (MAR) for MMI is \$350.00. Documentation received from the requestor via facsimile on September 8, 2011 indicates that the insurance carrier paid \$350.04 on May 11, 2011; therefore no additional amount is due for 99456-WP-NM.
2. The requestor alleges that interest is due for the service in dispute. Pursuant to 28 Texas Administrative Code §134.130(a) "Insurance carriers shall pay interest on medical bills paid on or after the 60th day after the insurance carrier originally received the complete medical bill, in accordance with §133.240 of this title (relating to Medical Payment and Denials). Additionally, 28 Texas Administrative Code §134.130(c) states, "The rate of interest to be paid shall be the rate calculated in accordance with Labor code §401.023 and in effect on the date the payment was made." On April 20, 2012, the division contacted the carrier via memorandum to request information/documentation to establish the date that the carrier received a complete medical bill for the service in dispute. The carrier did not respond to the Division's request for information/documentation to establish the date that the carrier received a complete medical bill for the service in dispute in this case. The provider's documentation supports that the requestor in this fee dispute first submitted the medical bill on March 29, 2010 to fax number 18664457818. The documentation supports that March 29, 2010 is the common date and common fax number among the parties for which receipt of the bill can be established. Therefore, the division concludes that the date the carrier originally received the complete medical bill is March 29, 2010.
3. The respondent reimbursed the requestor the amount of \$0.04 for interest due. In accordance with 28 Texas Administrative Code §134.130, the appropriate amount due for interest is \$12.52. Therefore an additional amount of \$12.48 is recommended for payment.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$12.48.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$12.48, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	_____
Signature	Medical Fee Dispute Resolution Officer	May 21, 2012 Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.